

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

:

: Chapter 9

:

CITY OF DETROIT, MICHIGAN,

: Case No. 13-53846

:

Debtor.

: Hon. Steven W. Rhodes

:

**ORDER GRANTING MOTION TO COMPEL FULL CLAWBACK OF
DEBTOR’S DOCUMENT PRODUCTION AND RELATED RELIEF**

This matter having come before the Court on the motion of creditors Assured Guaranty Municipal Corp., formerly known as Financial Security Assurance Inc. (“Assured”), National Public Finance Guarantee Corporation (“National”), and Ambac Assurance Corporation (“Ambac”) (collectively the “Movants”) to compel the Debtor, the City of Detroit (the “City” or “Debtor”) to claw back improperly produced documents (the “Motion to Compel”), the Court, having reviewed the Movant’s Motion to Compel, having heard oral argument, and having determined that the legal and factual bases set forth in the Motion to Compel establish just cause for the relief granted herein:

IT IS HEREBY ORDERED THAT:

1. The Movants' Motion to Compel is GRANTED;
2. All parties who received the Debtor's May 6, 2014 document production (the "Production") shall within twenty-four (24) hours of the entry of this order:
 - a. Send via nationally recognized overnight courier or hand deliver the media produced by the Debtor containing the Production to the Debtor's counsel Jones Day at 51 Louisiana Avenue, N.W., Washington, DC 20001, Attn: Mary Hale;
 - b. Purge any electronic copies made of the Production or of any portion thereof;
 - c. Destroy any physical copies made of the Production or any portion thereof;
 - d. Destroy any work-product reflecting the contents of any document in the Production, except that the work-product specifically provided for in paragraph 3 below may be retained.
3. Parties may, however, maintain a list of Bates numbers from the Production with corresponding subjects or issue codes that such parties may have created based on the Production. Such lists may be applied to a subsequent production of documents by the Debtor.

4. Within twenty-four (24) hours after the entry of this order, all parties who received the Production must file a certification with the Court stating that they have complied with each of the provisions set forth in paragraph 2 of this order;

5. On or before Friday, May 16, 2014, the Debtor shall fully correct the Production to eliminate all mediation-related documents the production of which is barred by the Mediation Order and send via nationally recognized overnight courier or hand deliver replacement production media to the parties;

6. All documents included in the Debtor's replacement production shall have the same Bates numbers as they had in the Production;

7. On May 17, 2014, the Debtor shall file a certification with the Court stating that it has complied with paragraphs 5 and 6 of this order;

8. Should any party fail to file the applicable certification required by paragraphs 4 or 7 of this order, or make an incomplete or insufficient certification, the Movants shall be permitted to inform the Court of such failures and seek appropriate remedies by making a submission to the Court and shall not be required to file a noticed motion in order to seek enforcement of this order; and

9. Any party who seeks reimbursement of expenses resulting from the recall of the Production, including all fees and expenses incurred in connection

with bringing the Motion to Compel, including without limitations conferring with the debtor and prosecuting the Motion to compel, shall do so by motion.

Signed on May 13, 2014

/s/ Steven Rhodes
Steven Rhodes
United States Bankruptcy Judge